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STATE FOR L/LEI AND NEA/ARP
DOJ FOR OIA AND OPDAT

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TAGS: [PREL](#) [KCRM](#) [PGOV](#) [UK](#) [AE](#)

SUBJECT: STATUS OF U.S.-UAE MLAT NEGOTIATION

Classified By: DCM Martin Quinn, reasons 1.4 (b) and (d).

1. (C) Summary. Upon learning that the UK has nearly concluded an MLAT and extradition treaty with the UAEG, Embassy sounded out UK colleagues on how they have proceeded.

We have informed the MFA that following its response to our May 2005 diplomatic notes regarding unresolved requests and judicial cooperation, we will be in a better position to respond to their December 19, 2005 note inquiring about our readiness to hold a second round of negotiation on an MLAT. However, USG posture toward UAEG's refusal to extradite its nationals effectively precludes our negotiating an extradition treaty with the UAE at this time. End Summary.

2. (C) Having heard that the British Embassy has nearly concluded an MLAT and extradition treaty with the UAE, our DCM, PolChief, and Resident Legal Adviser called on British Deputy Head of Mission Robert Deane to inquire further about the U.K. experience and approach with the Emiratis. Our Embassy team learned that the British, like us, enjoy good operational cooperation with the Emiratis on law enforcement matters. As with ourselves, judicial cooperation is a different story. The British also complain about the UAE's being unresponsive to their requests; however, the volume of their requests is relatively low compared to ours.

3. (C) In this regard Embassy consul learned that newly-appointed FM Sheikh Abdullah bin Zayed al-Nahyan (AbZ) called together his MFA team in February to review the subject of judicial cooperation. Accompanying DAS Barks-Ruggles to a March 18 meeting with MFA U/S Abdullah Rashid al-Noaimi, Ambassador presented a notebook cataloguing approximately one dozen pending, unanswered or denied requests on judicial matters with a recommendation to pass the compilation to the Foreign Minister.

4. (C) In a pragmatic effort to remedy this lack of host country cooperation, the British have undertaken to "put a legal basis in place" to, in effect, "test" the UAEG and resolve "the inertia that exists." Deane noted that the UAE prefers that its judicial cooperation be grounded in specific bilateral agreements rather than on a less formal, ad hoc basis or on the basis of international practice. The two sides have been negotiating an MLAT, extradition treaty, and civil and commercial treaty since fall 2005. According to the British, all three treaties should be concluded in May 2006 and enter into force later in the year, 90 days after presentation to Parliament. According to Deane, the UK is addressing British domestic concerns about the use of capital punishment in the UAE by having the Emiratis provide assurances that they will not exercise capital punishment in cases in which the UK agrees to extradite to the UAE. Furthermore, the draft extradition treaty makes no mention of Shari'a law, Deane said. The draft contains language about respecting human rights that is meant to prevent the use of Shari'a penalties, i.e., flogging. (Note: Islamic punishments such as amputation, stoning and beheading are not applied in the UAE. Executions, by firing squad, are rare, none in the past five years. End note.)

5. (C) By diplomatic note just delivered, Embassy has informed the UAEG that following its response to our two May 2005 notes on unresolved requests and judicial cooperation, we will be in a better position to respond to their December 19, 2005 note inquiring about our readiness to hold a second round of MLAT negotiations. The Embassy explained to the Ministry of Justice Office of International Cooperation as recently as October 2005 that the USG does not/not intend to negotiate an extradition treaty. While the UAEG has insisted on negotiating an MLAT and an extradition treaty simultaneously, we have made clear the U.S. position of not negotiating extradition treaties with countries that do not extradite their own nationals.

6. (C) As our Embassy team noted to the British during March 20 meeting, the USG posture with regard to extradition treaties effectively precludes our negotiating one with the UAE at this time.

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